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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2004



ENROLLED

House Bill No. 4411

(By Delegates Mezzatesta, Cann, Frederick,
Stalnaker and Walters)



Passed March 13, 2004

In Effect Ninety Days from Passage

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E N R O L L E D

H. B. 4411

(BY DELEGATES MEZZATESTA, CANN, FREDERICK,
STALNAKER AND WALTERS)

[Passed March 13, 2004; in effect ninety days from passage.]

AN ACT to amend and reenact §5B-2B-2, §5B-2B-4, §5B-2B-5 and §5B-2B-9 of the code of West Virginia, 1931, as amended, all relating to the West Virginia workforce investment act; updating terms; outlining duties; and creating the workforce investment interagency collaborative team.

Be it enacted by the Legislature of West Virginia:

That §5B-2B-2, §5B-2B-4, §5B-2B-5 and §5B-2B-9 of the code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 2B. WEST VIRGINIA WORKFORCE INVESTMENT ACT.

§5B-2B-2. Definitions.

1 As used in this article, the following terms have the
2 following meanings, unless the context clearly indicates
3 otherwise:

4 (1) "Commission" or "legislative oversight commission"
5 means the legislative oversight commission on workforce
6 investment for economic development created pursuant to
7 section seven of this article.

8 (2) "Council" means the West Virginia workforce invest-
9 ment council.

10 (3) "Team" means the workforce investment interagency
11 collaborative team.

§5B-2B-4. Duties of the workforce investment council.

1 (a) The council shall assist the governor in the:

2 (1) Development and revision of a strategic five-year state
3 workforce investment plan, including the establishment of an
4 overall workforce investment public agenda with goals and
5 benchmarks of success for the state, state agencies and for local
6 workforce investment boards;

7 (2) Development and continuous improvement of a
8 statewide system of workforce investment activities including:

9 (A) Development of linkages in order to assure coordina-
10 tion and nonduplication of services and activities of workforce
11 investment programs conducted by various entities in the state;
12 and

13 (B) The review of strategic plans created and submitted by
14 local workforce investment boards;

15 (3) Commenting at least annually on the measures taken by
16 the state pursuant to the Carl D. Perkins Vocational and Applied
17 Technology Education Act, 20 U.S.C. §2323;

18 (4) Designation and revision of local workforce investment
19 areas;

20 (5) Development and revision of allocation formulas for the
21 distribution of funds for adult employment and training
22 activities and youth activities to local areas;

23 (6) Development and continuous improvement of compre-
24 hensive state performance measures, including state adjusted
25 levels of performance, to assess the effectiveness of the
26 workforce investment activities in the state;

27 (7) Preparation of the annual report to the secretary of labor
28 as required by the Workforce Investment Act, 29 U.S.C. §2871;

29 (8) Development and continued improvement of a statewide
30 employment statistics system; and

31 (9) Development and revision of an application for
32 workforce investment incentive grants.

33 (b) The council shall make a report to the legislative
34 oversight commission on or before the fifteenth day of January
35 of each year detailing: (1) All the publicly funded workforce
36 investment programs operating in the state, including the
37 amount of federal and state funds expended by each program,
38 how the funds are spent and the resulting improvement to the
39 workforce; (2) the council's recommendations concerning
40 future use of funds for workforce investment programs; (3) the
41 council's analysis of operations of local workforce investment
42 programs; (4) the council's recommendations for the establish-
43 ment of an overall workforce investment public agenda with
44 goals and benchmarks of success for the state, state agencies
45 and for local workforce investment boards; and (5) any other
46 information the commission may require.

§5B-2B-5. State agencies.

1 On or before the first day of November any state agency
2 that receives federal or state funding that has been used for

3 workforce investment activities for the past fiscal year shall
4 provide to the council a report, detailing the source and amount
5 of federal, state or other funds received; the purposes for which
6 the funds were provided; the services provided in each regional
7 workforce investment area; the measures used to evaluate
8 program performance, including current and baseline perfor-
9 mance data; and any other information requested by the council.
10 All reports submitted pursuant to this section are to be in a form
11 approved by the council.

**§5B-2B-9. Coordination between agencies providing workforce
investment programs, local workforce investment
boards and the executive director of the West
Virginia development office.**

1 (a) To provide on-going attention to addressing issues that
2 will build and continually improve the overall workforce
3 investment system, the workforce investment interagency
4 collaborative team is hereby created. The team shall be the
5 single state interagency source for addressing issues or concerns
6 related to building and maintaining the most effective and
7 efficient implementation of the federal workforce investment
8 act and the overall workforce development system in West
9 Virginia. The team shall focus on how best to collaborate
10 between and among the state agencies directly involved in
11 workforce investment activities and shall develop a strategic
12 plan to that end. The team shall serve as a forum for the council
13 to seek information or recommendations in furtherance of its
14 responsibilities under this article. The West Virginia develop-
15 ment office is the entity which shall convene the team at least
16 monthly and shall provide administrative and other services to
17 the team as the team requires.

18 (b) The team shall consist of members from each agency
19 subject to the reporting provisions of section five of this article.
20 Each agency shall appoint two representatives to the team

21 consisting of the chief official of the department or division and
22 the official within that department or division who is directly
23 responsible for overseeing the workforce investment program
24 or activities at the state level. A designee may be selected to
25 represent a member appointed to the team: *Provided*, That the
26 designee has policy-making decision authority regarding
27 workforce investment activities including program and fiscal
28 issues. The team members have authority to make decisions on
29 behalf of the agency at the level required for the team to address
30 issues and advance system improvements.

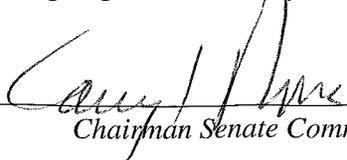
31 (c) The team shall coordinate the development of a self-
32 sufficiency standard study for the State of West Virginia. The
33 self-sufficiency standard is to measure how much income is
34 needed for a household of a given composition in a given place
35 to adequately meet its basic needs without public or private
36 assistance. Beginning on the first day of November, two
37 thousand four, and every two years thereafter, this study is to be
38 reported to the speaker of the House of Delegates, the president
39 of the Senate, the workforce investment council and the
40 legislative oversight commission on workforce investment for
41 economic development.

42 (d) Beginning the first day of January, two thousand three,
43 in order to lawfully continue any workforce investment
44 activities, any agency subject to the reporting provisions of
45 section five of this article shall enter into a memorandum of
46 understanding with the executive director of the West Virginia
47 development office and any local workforce investment board
48 representing an area of this state in which the agency is engaged
49 in workforce investment activities. To the extent permitted by
50 federal law, the agreements are to maximize coordination of
51 workforce investment activities and eliminate duplication of
52 services on both state and local levels.

53 (e) No memorandum of understanding may be effective for
54 more than one year without annual reaffirmation by the parties.

55 (f) Any state agency entering a memorandum of under-
56 standing shall deliver a copy thereof to both the West Virginia
57 workforce investment council and the legislative oversight
58 commission.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

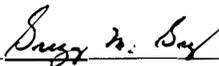

Chairman Senate Committee

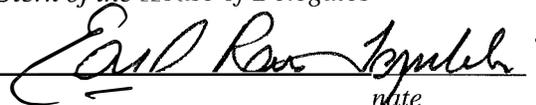

Chairman House Committee

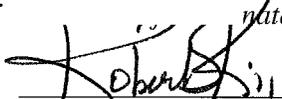
Originating in the House.

In effect ninety days from passage.


Clerk of the Senate


Clerk of the House of Delegates


Speaker of the House of Delegates


Speaker of the House of Delegates

The within is approved this the 5th
day of April, 2004.


Governor

PRESENTED TO THE
GOVERNOR

DATE 3/31/04

TIME 10:15 AM